

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

January 27, 1999

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. §1324b Proceeding
)	OCAHO Case no. 99B00014
LANCE CAMPER MANUFACTURING)	
CORPORATION,)	
Respondent.)	
_____)	

FINAL DECISION AND ORDER

Appearances: Linda White Andrews, Esquire
Office of Special Counsel for Immigration Related Unfair
Employment Practices for complainant

Kenneth Florez, Esquire
Swerdlow, Sanchez, Florence & Rathum for respondent

Before: Honorable Joseph E. McGuire

On December 11, 1998, complainant, acting by and through the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) and on behalf of Ms. Josefina Arreola (Ms. Arreola), commenced this action which arises under the Immigration Reform and Control Act of 1986 (IRCA), as amended, 8 U.S.C. § 1324a, by having filed a two-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO).

That initiating pleading contained allegations of unfair immigration related employment practices in violation of IRCA, namely, citizenship status discrimination and document abuse, for which civil money penalties of \$2,000 and \$1,000, respectively, had been assessed, as well as an award of back pay in an unspecified amount for Ms. Arreola.

Count I alleged that Lance Camper Manufacturing Corporation (Lance Camper or respondent) violated the provisions of 8 U.S.C. § 1324b(a)(1) by having treated Ms. Arreola, an applicant for employment, differently based on her perceived citizenship status. For this alleged

infraction, OSC assessed a civil money penalty of \$2,000.

In Count II it was alleged that Lance Camper had also violated the provisions of 8 U.S.C. § 1324b(a)(6) by having requested of Ms. Arreola more or different documents than required by 8 U.S.C. § 1324a(b) and having rejected sufficient documentation provided by Ms. Arreola with the intent of discriminating against her. For this IRCA violation, OSC levied a civil money penalty of \$1,000.

On January 26, 1999, the parties jointly filed a Motion to Dismiss accompanied by a Settlement Agreement, which resolves all matters in controversy.

Under the pertinent rule of OCAHO Rules of Practice and Procedure, 28 C.F.R. §§ 68.14(a)(1), (b), and (c), where the parties have submitted a settlement agreement containing consent findings and a proposed decision and order, the administrative law judge may, if satisfied with its timeliness, form and substance, accept such an agreement by issuing a decision and order based upon the agreed findings.

It is found that the terms of the Settlement Agreement comply with the applicable regulations and are appropriate in timeliness, form, and substance pursuant to the provisions of 28 C.F.R. §§ 68.14(b) and (c). It is further found, under the terms of the Settlement Agreement and pursuant to the provisions of that procedural rule, that:

1. Lance Camper has withdrawn its request for a hearing on the merits;
2. Lance Camper agrees to pay \$4,080 in back pay to Ms. Arreola. The respondent firm further agrees to pay a total civil money penalty sum of \$1,000 to the United States, or \$500 for each of the citizenship status discrimination and document abuse charges. The Settlement Agreement shall not in any way be construed as an admission of liability by Lance Camper of any act of discrimination in violation of IRCA;
3. Lance Camper agrees to conduct and maintain hiring practices in a manner that does not discriminate on the basis of citizenship status or national origin in violation of 8 U.S.C. § 1324b;
4. Lance Camper agrees to post a notice advising employees of their rights and to circulate the revised Handbook for Employers to all employees involved in completing the Form I-9;
5. Lance Camper agrees to attend an educational seminar involving IRCA or to view an educational videotape provided by OSC;
6. The parties have waived any further procedural steps before the administrative law judge;

7. The parties have waived any right to challenge or contest the validity of this Decision and Order;

8. The entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the Settlement Agreement, which are incorporated herein by reference;

9. This Decision and Order shall have the same force and effect as if this ruling had been issued following a full administrative hearing.

Order

The Settlement Agreement, which is dispositive of all issues herein, is approved and the Complaint is hereby ordered to be dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of January, 1999, I have served copies of the foregoing Final Decision and Order on the following persons at the addressees shown, in the manner indicated:

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Special Counsel
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Attention: Linda W. Andrews, Esq.
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